



Incoming

Emily Berry &lt;emilyberry@utah.gov&gt;

M164710103

**Re: Southwest #1 Red Leaf**

1 message

**April Abate** <aprilabate@utah.gov>

Tue, Nov 17, 2015 at 5:44 PM

To: "Reisor, Rita" &lt;rita\_reisor@fws.gov&gt;

Cc: Emily Berry &lt;emilyberry@utah.gov&gt;

Thanks, Rita.

Best regards,

April

On Tue, Nov 17, 2015 at 5:06 PM, Reisor, Rita &lt;rita\_reisor@fws.gov&gt; wrote:

Hi April,

Thank you for circling back on this. I agree that Red Leaf addresses all of our comments except the last one, which was voluntary. I think that it will be fine to accept this draft.

Thanks!

Rita

On Mon, Nov 16, 2015 at 2:59 PM, April Abate &lt;aprilabate@utah.gov&gt; wrote:

Hi Rita,

How's it going? I wanted to update you Red Leaf. They have submitted their amendment to modify the section of their mine plan that pertains to the Penstemon agreement. It looks to me like they have addressed most of your comments that were listed in your August 6th email. However, I did notice that they did not provide suitable habitat maps of areas set aside outside the conservation areas. I'm guessing because this is voluntary.

Anyway, I thought you might want to review their draft submittal. Let me know if there is anything in it that you would like to further comment on.

Best Regards,

April

On Thu, Aug 6, 2015 at 3:11 PM, Reisor, Rita &lt;rita\_reisor@fws.gov&gt; wrote:

Hi April,

During the update of the plan Red Leaf should update or incorporate the following items:

1. The status of the species and the current Conservation Agreement.
2. The current signatories to the Conservation agreement (including SITLA).
3. Identify in the text if any part of the project area is also part of a designated Conservation Area as designated by the Conservation Agreement.
4. I recommend that clearance surveys of the full project area be conducted now, rather than wait until 1 year prior to construction. This will allow RLR to adjust construction plans and project design further in advance.
5. The conservation Agreement now states that clearance surveys are good for 4 years, versus 1 year. Spot checks may be required within 1 year of construction.
6. Cite the 2014 Penstemon Conservation Agreement.
7. Any known historic or new Penstemon locations will be recorded with a GPS and information



submitted to the Penstemon Conservation Team.

8. They should provide you maps of the current areas that they know are suitable habitat, even if it isn't in a Conservation Area. And provide a map of the areas they have set aside to avoid until development is necessary.

If YES to #3

- Then identify what type of conservation area (permanent or interim A,B).
- Provide area location description, total acres, and detailed map of the area.
- State that all conservation measures and mitigation will tier to the Penstemon Conservation Agreement, future amendments, and it's subsequent management plans.

If NO to #3:

- RLR is not obligated to do any conservation measures on private or state lands.
- Voluntary conservation is encouraged and does positively impact the overall status of the species on which listing decisions are based. Any voluntary conservation measures, surveys, or research should be reported to the Penstemon Conservation Team so it can be recorded, tracked, and reported.

I hope this helps. Please let me know if you have further questions or need any additional information. We are greatly appreciative of DOGM's efforts and cooperation to further the conservation of Utah's sensitive species.

Thanks,  
Rita

On Wed, Aug 5, 2015 at 4:19 PM, April Abate <[aprilabate@utah.gov](mailto:aprilabate@utah.gov)> wrote:

Hi Rita,

I've taken a good look at the permit. I have not been able to find any rare plant study areas on their maps.

If you go to the Jan 28 2013 NOI document (the large 700+page one), Page 43 (page 50 on the .pdf) has a discussion about the rare plant mitigation measures. It looks like this was written before the conservation agreement was signed by SITLA. As a result, there is no discussion of the SITLA Interim Areas. According to the GIS shapefile, the Penstemon are mapped as SITLA Interim Areas in Section 30 of their permit area.

I am going to ask them to provide me with updated information in the rare plants section of their plan and also to show these plant study areas on a map. Could you would take a look at Page 43 in their plan and let me know if you have any additional comments on what other updates would be recommended? I will add your feedback to my directive to them to provide the information.

Thanks!  
April

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April A. Abate  
*Environmental Scientist III*  
Utah Division of Oil, Gas, & Mining  
O: 801-538-5214  
M: 801-232-1339  
Hours M-Th 7-5

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Rita Reisor



Botanist  
U.S. Fish and Wildlife Service  
Utah Field Office  
2369 West Orton Circle, Suite 50  
West Valley City, Utah 84119  
(801)975-3330 ext.135

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## Rita Reisor

Botanist  
U.S. Fish and Wildlife Service  
Utah Field Office  
2369 West Orton Circle, Suite 50  
West Valley City, Utah 84119  
(801)975-3330 ext.135

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